

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 24, 2009

09-1600
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Caraway, Medrano, Jasso, Neumann, Hill, Salazar (*9:07 a.m.), Davis (*9:10 a.m.) Atkins, Kadane, Allen, Koop, Natinsky, Margolin, Hunt (*9:05 a.m.)

ABSENT: [0]

The meeting was called to order at 9:00 a.m.

The City Secretary announced that a quorum of the city council was present.

The invocation was given by Jerry Norris, Minister of the 4th Avenue Church of Christ.

Councilmember Hill led the pledge of allegiance.

The meeting agenda, which was posted in accordance with Chapter 551, "OPEN MEETINGS," of the Texas Government Code, was presented.

After all business properly brought before the city council had been considered, the city council adjourned at 3:55 p.m.

Mayor

ATTEST:

City Secretary

The meeting agenda is attached to the minutes of this meeting as EXHIBIT A.

The actions taken on each matter considered by the city council are attached to the minutes of this meeting as EXHIBIT B.

Ordinances, resolutions, reports and other records pertaining to matters considered by the city council, are filed with the city secretary as official public records and comprise EXHIBIT C to the minutes of this meeting.

*** Indicates arrival time after invocation and pledge of allegiance.**

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 24, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 24, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1601

CITIZEN SPEAKERS

In accordance with the City Council Rules of Procedure, the city council provided "open microphone" opportunities for the following individuals to comment on matters that were scheduled on the city council voting agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda:

OPEN MICROPHONE –BEGINNING OF MEETING:

SPEAKER: Lon Boyce, 5315 Elkridge Dr.
REPRESENTING: Project United CDC
SUBJECT: Block grant

SPEAKER: Joe Tave, 3330 Shady Hollow Ct.
SUBJECT: Budget; tree trimming in Oak Cliff

SPEAKER: Ernestor Pena, 1408 Washington Ave.
REPRESENTING: North TX Association of Public Employees
SUBJECT: Employee issues

SPEAKER: Chris Head, 9339 San Fernando Way
REPRESENTING: North TX Association of Public Employees
SUBJECT: Employee issues

SPEAKER: Mary Hasan, 3425 Hacienda Dr.
SUBJECT: The budget

OPEN MICROPHONE – END OF MEETING

SPEAKER: Larry Gibson, 4103 Sunvalley Dr.
REPRESENTING: National Postal Mail Handlers Union
SUBJECT: Feasibility Study

SPEAKER: D. T. Taylor, 2849 W. Illinois Ave.
REPRESENTING: National Postal Mail Handlers Union
SUBJECT: Feasibility Study

OPEN MICROPHONE – END OF MEETING – SPOKE IN THE LAST 30 DAYS:

SPEAKER: Steven Meeks, 3223 Carpenter Ave.
SUBJECT: Code compliance issues

SPEAKER: Frank Ward III, P. O. Box 50694
REPRESENTING: The Kingdom of Heaven
SUBJECT: The Kingdom of God

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
SUBJECT: Arrogant, racist, unjust with greed

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
SUBJECT: “How can you dig a hole in quicksand”

SPEAKER: William Hopkins, 2011 Leath
SUBJECT: DPD

SPEAKER: Jewel Floyd, 3815 Myrtle St.
SUBJECT: The Mayor, Manager and KKK of Dallas, TX

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1602

Item 1: Approval of Minutes of the June 10, 2009 City Council Meeting

Councilmember Hill moved to approve the minutes.

Motion seconded by Mayor Pro Tem Carraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1603

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-52 and addendum addition consent agenda items 1-17, was presented for consideration.

The City Secretary requested that consent agenda item 30 and addendum addition consent agenda item 15 be considered as individual items to allow citizens to speak. Mayor Leppert stated that consent agenda item 30 and addendum addition consent agenda item 15 would be considered as individual items later in the meeting there being no objection voiced to the City Secretary's request.

Mayor Leppert requested that addendum addition consent agenda item 14 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 14 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Leppert's request.

Deputy Mayor Pro Tem Medrano requested that addendum addition consent agenda item 15 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 15 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Medrano's request.

Councilmember Neumann requested that consent agenda items 6, 13 and addendum addition consent agenda item 9 be considered as individual items. Mayor Leppert stated that consent agenda items 6, 13 and addendum addition consent agenda item 9 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Davis requested that consent agenda item 30 be considered as an individual item. Mayor Leppert stated that consent agenda item 30 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

Councilmember Atkins requested that consent agenda item 2 and addendum addition consent agenda item 10 be considered as individual items. Mayor Leppert stated that consent agenda item 2 and addendum addition consent agenda item 10 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Atkins' request.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-1603

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Councilmember Natinsky requested that addendum addition consent agenda item 1 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 1 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

Councilmember Margolin requested that consent agenda item 35 and addendum addition consent agenda items 9, 10, 13 and 16 be considered as individual items. Mayor Leppert stated that consent agenda item 35 and addendum addition consent agenda items 9, 10, 13 and 16 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Councilmember Hunt requested that addendum addition consent agenda items 3 and 15 be considered as individual items. Mayor Leppert stated that addendum addition consent agenda items 3 and 15 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Hunt's request.

Councilmember Neumann moved to approve all items on the consent agenda with the exception of consent agenda 2, 6, 13, 30, 35 and agenda addendum addition consent items 1, 3, 9, 10, 13, 14, 15 and 16 which would be considered later in the meeting.

Motion seconded Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1604

Item 2: Authorize forty-five professional service contracts for thirty-six-months each for geotechnical studies and construction materials testing, and asbestos environmental and non-asbestos environmental testing services - Vendor list attached, most advantageous proposers of sixty-four - Not to exceed \$23,882,328 - Financing: Current Funds (subject to annual appropriations)

Councilmember Atkins requested that consent agenda item 2 be considered as an individual item. Mayor Leppert stated that consent agenda item 2 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Later in the meeting, consent agenda item 2 was brought up for consideration.

Councilmember Atkins requested to hold consent agenda item 2 until later in the meeting in order to review additional information.

After further discussion consent agenda item 2 was considered.

Councilmember Atkins moved to approve the item.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1605

Item 3: Authorize a twenty-four-month master agreement for lumber, plywood, sheetrock, and building supplies - Craddock Lumber Co. in the amount of \$1,075,818, Hillco Materials, Inc. in the amount of \$71,371 and Big D Lumber Company in the amount of \$33,272, lowest responsible bidders of three - Total not to exceed \$1,180,461 - Financing: Current Funds (\$1,101,935), Water Utilities Current Funds (\$78,526)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1606

Item 4: Authorize a twenty-four-month extension to the master agreement with ModComp, Inc. for hardware maintenance of the Supervisory Control and Data Acquisition system at the White Rock Lake Pump Station for the period July 1, 2009 through June 30, 2011 - Not to exceed \$139,200, from \$250,250 to \$389,450 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1607

Item 5: Authorize a thirty-six-month master agreement for Geographic Information System software and maintenance - Environmental Systems Research Institute through Department of Information Resources - Not to exceed \$534,100 - Financing: Current Funds (\$361,000), Water Utilities Current Funds (\$173,100)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1608

Item 6: Authorize a thirty-six-month master agreement for quicklime and hydrated lime
- Texas Lime Company, lowest responsible bidder of two - Not to exceed
\$20,240,000 - Financing: Water Utilities Current Funds

Councilmember Neumann requested that consent agenda item 6 be considered as an individual item. Mayor Leppert stated that consent agenda item 6 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Later in the meeting, consent agenda item 6 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Koop and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1609

Item 7: Authorize a thirty-six-month master agreement for steel and aluminum - Garland Steel, Inc. in the amount of \$1,532,248, Willbanks Metals, Inc. in the amount of \$243,856, Eagle National Steel in the amount of \$20,271 and Werner Enterprises LP dba Metal Supermarkets, Inc. in the amount of \$9,710, lowest responsible bidders of four - Total not to exceed \$1,806,085 - Financing: Current Funds (\$1,624,311), Water Utilities Current Funds (\$181,774)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1610

Item 8: Authorize a thirty-six-month master agreement for the purchase of medical supplies for the Women, Infants, and Children Program - Practical A/R Solutions, Inc. in the amount of \$233,550, Fisher Scientific Company, LLC in the amount of \$100,550, Products Unlimited, Inc. in the amount of \$82,900, R.D.B. Enterprises, LLC in the amount of \$39,186, Moore Medical, LLC in the amount of \$35,856 and Bound Tree Medical, LLC in the amount of \$21,100, lowest responsible bidders of fourteen - Total not to exceed \$513,142 - Financing: Texas Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1611

Item 9: Authorize a thirty-six-month service contract for monthly hosting services and training to continue webstreaming of City Council meetings and briefings - Granicus, Inc., through an Interlocal Agreement with the City of College Station - Not to exceed \$57,104 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1612

Item 10: Authorize a thirty-six-month service contract for minor plumbing repairs and the installation of ultra low flow toilets, showerheads and faucet aerators for the Minor Plumbing Repair program - H & W Cleaning Systems, Inc., lowest responsible bidder of four - Not to exceed \$1,039,456 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1613

Item 11: Authorize a sixty-month master agreement for uniform rental and lease service - Unifirst Corporation, lowest responsible bidder of three - Not to exceed \$733,798 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1614

Item 12: Authorize (1) a sixty-month master agreement for grounds maintenance equipment - Landmark Equipment Co., Inc. in the amount of \$642,500, Ag-Power, Inc. in the amount of \$627,630, Professional Turf Products, Inc. in the amount of \$473,000, Four Brothers Outdoor Power in the amount of \$326,596, Luber Brothers, Inc. in the amount of \$289,940, Longhorn, Inc. in the amount of \$178,500, Professional Polish, Inc. in the amount of \$155,800, Vermeer Equipment of Texas, Inc. in the amount of \$134,904, Deen Implement Company in the amount of \$76,200, Tom Loftus, Inc. dba Austin Turf & Tractor in the amount of \$64,800, Richardson Saw & Lawnmower in the amount of \$47,126, Ed's Lawn Equipment in the amount of \$18,000, lowest responsible bidders of thirteen; and (2) the purchase of grounds maintenance equipment - Hlavinka Equipment Co. in the amount of \$162,000, Luber Brothers, Inc. in the amount of \$65,450 and C & M Air Cooled Engine, Inc. in the amount of \$22,500 through Buyboard, a Texas Local Government Purchasing Cooperative; and Poston Equipment in the amount of \$140,244, Earle Kinlaw Associates, Inc. dba EKA in the amount of \$104,000 and Brookside Equipment Sales, Inc. in the amount of \$14,175 through the Houston-Galveston Area Council of Governments Purchasing Cooperative - Total not to exceed \$3,543,365 - Financing: Current Funds (\$3,323,365), Aviation Current Funds (\$220,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1615

Item 13: Authorize Supplemental Agreement No. 2 to the contract with Southwest General Services of Dallas, LLC for collection, billing and reporting services assessed for emergency ambulance and motor vehicle accident cleanup - Estimated Annual Revenue: \$18,825,000

Councilmember Neumann requested that consent agenda item 13 be considered as an individual item. Mayor Leppert stated that consent agenda item 13 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Later in the meeting, consent agenda item 13 was brought up for consideration.

Councilmember Salazar moved to approve the item.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1616

Item 14: Authorize Supplemental Agreement No. 5 to the contract with CGI Technologies and Solutions, Inc. to implement a three-year maintenance agreement to the City's financial and accounting system, Advantage 3 Financial application, through the Department of Information Resources - Not to exceed \$970,738, from \$3,916,453 to \$4,887,191 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1617

Item 15: Authorize **(1)** Supplemental Agreement No. 1 to the contract with Gaylord Information Systems, Inc. dba Polaris Library Systems to eliminate the interface to a third party collection agency and replace this functionality with an interface to the City's AMS Financial system, **(2)** utilize a hosted interactive library calendaring system, and **(3)** eliminate the 'Authority Control Processing' (ACP) enhancement thereby reducing the contract amount by \$147 - Not to exceed (\$147), from \$1,375,264 to \$1,375,117 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1618

Item 16: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of a tract of land from Bank of America, N.A., as trustee for Earle Clark Caruth, containing approximately 28.52 acres located near the intersection of Spangler Road and Manana Drive for the Elm Fork Athletic Complex Project - \$2,165,000 (\$2,150,000 plus closing costs not to exceed \$15,000) - Financing: 1998 Bond Funds (\$608,791), 2006 Bond Funds (\$1,056,209), and Texas Parks and Wildlife Grant Funds (\$500,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1619

Item 17: Authorize moving expense and rental assistance payments for Finis Hollis as a result of an official written offer of just compensation to purchase real property at 3111 North Stemmons Freeway to be used in conjunction with the Trinity Parkway Project - Not to exceed \$20,728 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1620

Item 18: Authorize a boundary adjustment agreement with the City of Lancaster on property located east of Lancaster Road / Dallas Avenue and north of Telephone Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1621

Item 19: An ordinance **(1)** repealing Ordinance No. 25235; and **(2)** granting a private license to Daryl Richardson Gourmet Catering, Inc. for the use of approximately 16,691 square feet of land to maintain the existing licensed sidewalks, curbs, landscaping, garden walls, benches, banners, lighting, aerial walkway, aviary and signs on and over portions of Hord, Griffin, Corbin and Laws Streets rights-of-way and to install and maintain an extension to the aerial walkway over a portion of Corbin Street right-of-way - Revenue: \$36,166 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27568

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1622

Item 20: An ordinance abandoning a portion of Austin Street to Dallas Main, L.P., the abutting owner, containing approximately 16,056 square feet of land located near the intersection of Main and Austin Streets and authorizing the quitclaim - Revenue: \$1,060,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27569

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1623

Item 21: An ordinance granting a Specific Use Permit for a recycling buy-back center on property zoned an IM Industrial Manufacturing District on the northwest side of Hickory Street, east of Malcolm X Boulevard - Z078-289 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27570

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1624

Item 22: An ordinance correcting **(1)** Ordinance No. 27123, previously approved on March 26, 2008 for the creation of Specific Use Permit No. 1704 for a bar, lounge, or tavern, on the west side of Parry Avenue between Exposition Avenue and First Street; and **(2)** Ordinance No. 27141, previously approved on April 23, 2008, for the creation of Planned Development No. 778 on the northeast corner of Simpson Stuart Road and Interstate 45 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27571

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1625

Item 23: An ordinance correcting Chapter 51A, Dallas Development Code: Ordinance No. 19455, of the Dallas City Code, as amended, by correcting Section 51A-2.102, Section 51A-4.122, Section 51A-4.125, Section 51A-5.101, Section 51A-7.910, and Section 51A-8.611 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27572

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1626

Item 24: An ordinance correcting Chapter 51P, "Dallas Development Code: Planned Development District Regulations, of the Dallas City Code, as amended, by correcting typographic and non-substantive errors and clarifying intent in Division S-51 of Article 193, Division S-64 of Article 193, Division S-86 of Article 193, Article 193, Article 298, Article 317, Article 486, and Article 712 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27573

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1627

Item 25: Authorize an economic development grant agreement pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Business Development Grant Program with Jess Baroukh, LLC., related to the remodeling of the Crest Plaza Shopping Center located at South Lancaster Road and East Saner Avenue - Not to exceed \$200,000 - Financing: Public/Private Partnership Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1628

Item 26: Authorize **(1)** the acceptance of grant funds in the amount of \$530,421 from the Texas Commission on Environmental Quality to provide air pollution control investigation services and complaint response for the period September 1, 2009 through August 31, 2010, with the options to renew for three additional 1 year periods; **(2)** a local match in an amount not to exceed \$261,262; and **(3)** execution of the grant agreement - Total not to exceed \$791,683 - Financing: Texas Commission on Environmental Quality Grant Funds (\$530,421) and Current Funds (\$261,262) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1629

Item 27: Authorize **(1)** a ten-year lease agreement with MacArthur Center Levy, LLC for approximately 5,055 square feet of office space located at 1111 West Airport Freeway, Suite 237, Irving, Texas, to be used as a Women, Infants and Children Clinic for the period September 1, 2009 through August 31, 2019; and **(2)** leasehold improvements in an amount not to exceed \$189,131 - Total not to exceed \$707,269 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1630

Item 28: Authorize the second amendment to the contract with the Department of State Health Services to accept additional grant funds for the continuation of the Special Supplemental Nutrition Program for the Women, Infants and Children Program for the period October 1, 2008 through September 30, 2009 - Not to exceed \$321,131, from \$13,084,745 to \$13,405,876 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1631

Item 29: Authorize a construction contract for the cooling tower replacement and controls upgrade project at the North Central Police Station located at 6969 McCallum Boulevard - Federal Mechanical Systems, Inc., lowest responsible bidder of six - Not to exceed \$89,000 - Financing 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1632

Item 30: Authorize **(1)** a loan in the amount of \$1,080,000 to LifeNet Community Behavioral Healthcare (LNCBH) for predevelopment, acquisition, related soft costs and development costs associated with the construction of the LifeNet Lofts, a 125 unit multi-family residential development located at 2600 block on the eastside of Merlin Street and 2510 Jefferies Street, for permanent supportive housing contingent upon Texas Department of Housing and Community Affairs (TDHCA) low-income housing tax credit approval and the Department of Housing and Urban Development environmental review approval by December 31, 2009; and **(2)** payment of \$920,000 General Obligation Homeless Bond Funds to LifeNet LNCBH for partial construction costs in connection with the LifeNet lofts in exchange for 125 units to be deed restricted for homeless and chronically homeless persons for a period of 30 years, contingent upon the applicant receiving a TDHCA tax credit approval by December 31, 2009 - Total not to exceed \$2,000,000 - Financing: 2008-09 Community Development Block Grant Funds (\$380,000), 2008-09 HOME Funds (\$700,000), 2005 Bond Funds (\$920,000)

The City Secretary requested that consent agenda item 30 be considered as an individual item to allow citizens to speak. Mayor Leppert stated that consent agenda item 30 would be considered as an individual item later in the meeting there being no objection voiced to the City Secretary's request.

Councilmember Davis requested that consent agenda item 30 be considered as an individual item. Mayor Leppert stated that consent agenda item 30 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

Later in the meeting, consent agenda item 30 was brought up for consideration.

The following individual addressed the city council regarding the item:

Alva Baker, 2401 South Blvd., representing South Blvd. / Park Row Historic District

Councilmember Davis moved to defer the item indefinitely for a future agenda or until the Housing Council Committee returns with the issues resolved.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1633

Item 31: Authorize **(1)** an application for and acceptance of grants funds from the American Recovery and Reinvestment Act of 2009 in the amount \$1,160,060 from Dallas County Workforce Development Board, Inc. dba WorkSource Solutions of Greater Dallas, Inc. to be used for a summer youth employment and training program for 500 youths; to improve economic development among Dallas County low-income households, and to provide payroll processing and associated services for the period June 25, 2009 through August 21, 2009; **(2)** execution of the Fiscal Agency Agreement between the City of Dallas and WorkSource Solutions of Greater Dallas; and **(3)** execution of the grant agreement - Not to exceed \$1,160,060 - Financing: WorkSource Solutions of Greater Dallas Grant Funds

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1634

Item 32: An ordinance denying Atmos Energy Corp., Mid-Tex Division's proposed new Gas Reliability Infrastructure Program Rate Adjustment and setting Gas Reliability Infrastructure Program Rates to be charged by Atmos Energy Corp. Mid-Tex Division - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27574

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1635

Item 33: Authorize **(1)** adoption of the final FY 2009-10 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$34,904,780 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$21,699,028, **(b)** HOME Investment Partnerships Program in the amount of \$8,792,632 **(c)**, Housing Opportunities for Persons with AIDS in the amount of \$3,642,608, and **(d)** Emergency Shelter Grant in the amount of \$770,512; and **(2)** adoption of the final FY 2008-09 Reprogramming Budget in the amount of \$1,494,154 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1636

Item 34: Authorize the optional redemption of the Sports Arena Project Tax Exempt Special Tax Revenue Bonds, Series 1998A in an amount not to exceed \$13,335,000 in principal plus call premium of \$66,675 - Total not to exceed \$13,401,675 - Financing: Sports Arena Project Surplus Debt Redemption Funds (\$7,257,203) and Sports Arena Debt Service Reserve Funds (\$6,144,472)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1637

Item 35: Authorize an increase in the contract with Phoenix I Restoration and Construction, Ltd. for additional security lighting; additional creek wall and channel stabilization; repair of structural defects in fountain; alterations to water and sewer utilities; and other miscellaneous modifications at Lake Cliff Park located at 300 East Colorado Boulevard - Not to exceed \$188,375, from \$852,000 to \$1,040,375 - Financing: 2003 Bond Funds (\$52,176) and 2006 Bond Funds (\$136,199)

Councilmember Margolin requested that consent agenda item 35 be considered as an individual item. Mayor Leppert stated that consent agenda item 35 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Later in the meeting, consent agenda item 35 was brought up for consideration.

Councilmember Jasso moved to approve the item.

Motion seconded by Councilmember Neumann and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1638

Item 36: Authorize an increase in the contract with Riverway Contractors and Management, Inc. for the removal and reconstruction of an existing concrete plaza; extension of safety fencing; additional trail marker; drainage swale; and other miscellaneous modifications in White Rock Creek Greenbelt Trail at Anderson-Bonner Park located at 12000 Park Central Drive - Not to exceed \$63,316, from \$1,135,680 to \$1,198,996 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1639

Item 37: Authorize Supplemental Agreement No. 1 to the development agreement with the Friends of the Katy Trail, Inc. to reimburse costs for the construction of the Carlisle Place Overlook (Snyder Union) at Robert E. Lee Park - Not to exceed \$200,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1640

Item 38: Authorize **(1)** the application for and acceptance of the 2009 American Recovery and Reinvestment Act Grant from the U.S. Department of Justice; Office of Juvenile Justice and Delinquency Prevention for funding assistance to maintain positions in the Internet Crimes Against Children program, for the period April 1, 2009 through March 31, 2013, in the amount of \$776,503; and **(2)** execution of the grant agreement - Total not to exceed \$776,503 - Financing: U.S. Department of Justice; Office of Juvenile Justice and Delinquency Prevention Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1641

Item 39: Authorize a Development Participation Agreement with IH20 and Mountain Creek Parkway GP, LLC for the Merrifield Road Extension from east of Mountain Creek Parkway to Grady Niblo Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1642

Cottonwood Trail

Note: Item Nos. 40 and 41
must be considered collectively.

Item 40: Authorize **(1)** a Project Specific Agreement with Dallas County for participation in the design and construction of paving, drainage, water and wastewater main improvements for the Cottonwood Trail project; and **(2)** payment to Dallas County for Segment C, D, D-Extension, E, and G - Not to exceed \$393,869 - Financing: 2003 Bond Funds (\$250,000) and Water Utilities Capital Construction Funds (\$143,869)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1643

Cottonwood Trail

Note: Item Nos. 40 and 41
must be considered collectively.

Item 41: Authorize **(1)** the receipt and deposit of funds from Dallas County for Segment A of Cottonwood Trail in an amount not to exceed \$200,000; and **(2)** an increase in appropriations in the amount of \$200,000 in the Capital Projects Reimbursement Fund - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1644

Item 42: Authorize a contract for the installation of stormwater interceptors via the existing storm drainage system near Turtle Creek - North Texas Contracting, Inc., lowest responsible bidder of five - Not to exceed \$356,985 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1645

Item 43: Authorize a contract for the reconstruction of street paving, storm drainage, water and wastewater main improvements on Empire Central Place from Empire Central Drive to Empress Row - Camino Construction, L.P., lowest responsible bidder of eleven - Not to exceed \$769,976 - Financing: 2006 Bond Funds (\$610,788) and Water Utilities Capital Construction Funds (\$159,188)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1646

Item 44: Authorize a contract for the replacement of reinforced concrete sidewalks, barrier free ramps, curbs, gutters and drive approaches for the Sidewalk Replacement Project on Marsalis Avenue from Eighth Street to Colorado Boulevard - Camino Construction, L.P., lowest responsible bidder of fifteen - Not to exceed \$96,295 - Financing: 2007-08 Community Development Block Grant Reprogramming Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1647

Item 45: Authorize professional services contracts with 6 consulting firms for the engineering design of 1 storm drainage project, 1 street improvement project, 6 street petition projects, 3 street reconstruction projects, and 1 streetscape/urban design project (list attached) - Not to exceed \$1,866,322 - Financing: 2003 Bond Funds (\$201,178), 2006 Bond Funds (\$1,433,576) and Water Utilities Capital Construction Funds (\$231,568)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1648

Item 46: Authorize **(1)** street paving, storm drainage improvements for Street Group 06-448; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on August 26, 2009, to receive comments (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1649

Item 47: Authorize **(1)** an increase in the contract with McMahon Contracting, L.P., for construction of landscape improvements on the south side of Flora Street from Jack Evans Street to Routh Street in the amount of \$115,569, from \$3,076,791 to \$3,192,360; and **(2)** assignment of the construction contract to the Dallas Center for the Performing Arts Foundation, Inc. as the City's agent and construction manager for all purposes, including inspection, supervision and coordination of construction work - Not to exceed \$115,569, from \$3,076,791 to \$3,192,360 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1650

Item 48: Authorize **(1)** an increase in the contract with AUI Contractors, L.P. for additional work necessary for the construction of the Fuel and Chemical Containment Systems at eleven locations at Dallas Love Field in an amount not to exceed \$93,500, from \$1,909,493 to \$2,002,993; and **(2)** an increase in appropriations in the amount of \$118,500 (\$93,500 for contract and \$25,000 for additional testing and contract administration) in the Federal Aviation Administration Airport Improvement Program Grant Fund - Not to exceed \$93,500 - Financing: Aviation Passenger Facility Charge Funds (\$23,375) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$70,125)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1651

Item 49: Authorize an increase in the construction contract with C. Green Scaping, LP for modifications to protect the small berm adjacent to Lemmon Lake due to unstable soil conditions, modifications to the installation of the pedestrian bridge and improved safety items to keep vehicles off of the trail - Not to exceed \$248,417, from \$1,651,669 to \$1,900,086 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1652

Item 50: Authorize a Standard Utility Agreement with the State of Texas, acting through the Texas Department of Transportation, for water and wastewater main relocations and adjustments in Interstate Highway 35E (Stemmons Freeway) southbound frontage road from Lombardy Lane to SS 482 (Storey Lane) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1653

Item 51: Authorize a contract for the installation of water and wastewater mains at 19 locations (list attached) - P & E Contractors, Inc., lowest responsible bidder of nine - \$4,656,317 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1654

Item 52: Authorize an increase in the contract with Cajun Constructors, Inc. for additional work associated with construction of the Alta Mesa Pump Station - Not to exceed \$116,199, from \$6,913,000 to \$7,029,199 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1655

Item 53: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2007-2009 board term updated through JUNE 24, 2009.

The city secretary noted the report indicated nominees and re-nominees for individual appointments cleared for council action met all qualifications for service.

Councilmember Neumann moved to appoint all nominees to "individual appointment" positions in the report who meet all qualifications for service to the boards and commissions of the city for the remaining term ending September 30, 2009 as well as their appointment for the 2009 - 2011 term ending September 30, 2011.

Motion seconded by Councilmember Atkins and unanimously adopted.

[Information on each newly-appointed member is located in the file shown next to the name of the board.]

09-5178 CPC CITY PLAN AND ZONING COMMISSION
09-5179 PAR PARK AND RECREATION BOARD
09-5180 YAC YOUTH COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1656

Item 54: Authorize a historic preservation tax exemption for the Hickory Street Annex located at 501 2nd Avenue for a ten-year period on 100% of the land and structure value - Revenue: First year tax revenue foregone estimated at \$10,580 (Estimated revenue foregone for ten years is \$105,802)

The following individual addressed the city council regarding the item:

Gary Kaelson, 501 2nd Ave., representing Kaelson Company Properties

Deputy Mayor Pro Tem Medrano moved to defer the item until the October 14, 2009 voting agenda meeting of the city council.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1657

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 55 - 65 and addendum consent zoning agenda item 19, was presented for consideration.

Agenda items 55 and 63 were removed from the consent zoning docket, to be considered as individual hearings.

~~Agenda item 55 Zoning Case Z078-291(MAW) [considered individually]~~
Agenda item 56 Zoning Case Z078-307(RB)
Agenda item 57 Zoning Case Z089-143 (RB)
Agenda item 58 Zoning Case Z089-170 (MAW)
Agenda item 59 Zoning Case Z089-174 (RB)
Agenda item 60 Zoning Case Z089-175 (MAW)
Agenda item 61 Zoning Case Z089-182 (WE)
Agenda item 62 Zoning Case Z089-183 (MAW)
~~Agenda item 63 Zoning Case Z089-186 (MAW) [considered individually]~~
Agenda item 64 Zoning Case Z089-207 (RB)
Agenda item 65 Zoning Case Z089-173 (MAW)
Addendum Agenda item 19 Zoning Case Z089-220 (WE)

In the zoning cases on the consent zoning docket, the city plan commission recommended approval of the proposed changes in zoning.

Councilmember Neumann moved to close the public hearings, accept the recommendations of the city plan commission on the consent zoning case and pass the ordinances.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1658

Item 55: Zoning Case Z078-291 (MAW)

The consent zoning docket, consisting of agenda items 55 - 65 and addendum consent zoning agenda item 19, was presented for consideration.

Councilmember Hunt requested that zoning consent item 55 be considered as an individual item. Mayor Leppert stated that zoning consent item 55 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

A public hearing was called on zoning case Z078-291 (MAW), an application for and an ordinance granting a Planned Development District for mixed uses on property zoned a CR Community Retail District on the southwest corner of Gaston Avenue and East Grand Avenue

(The staff and city plan commission recommended approval subject to conceptual plan and conditions)

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Deputy Mayor Pro Tem Medrano moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

Councilmember Hunt moved to reconsider the item.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-1658

Page 2

Councilmember Hunt moved to close the public hearing and follow the city plan commission's recommendation for approval, with the following amendments:

- Adding a three-foot-wide planting zone.
- Adding a door yard zone and a sidewalk zone that increases the required sidewalk width to 10 feet.
- Increasing the street tree requirement along Gaston and East Grand to one tree for every 20 feet of frontage.
- Increasing the street tree requirement along Tucker Street to one tree for every 40 feet of frontage.
- Adding a minimum setback of 23 feet for the street-level story for residential and mixed-use developments.

Motion seconded by Councilmember Hill and unanimously adopted.

Assigned ORDINANCE NO. 27575

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1659

Item 56: Zoning Case Z078-307 (RB)

The consent zoning docket, consisting of agenda items 55 - 65 and addendum consent zoning agenda item 19, was presented for consideration.

A public hearing was called on zoning case Z078-307 (RB),. an application for and an ordinance granting a Specific Use Permit for a Community service center on property zoned an R-5(A) Single Family District, on the southeast corner of Winnetka Avenue and Gallagher Street

(The staff and city plan commission recommended approval for a five-year period, with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions)

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27576

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1660

Item 57: Zoning Case Z089-143 (RB)

The consent zoning docket, consisting of agenda items 55 - 65 and addendum consent zoning agenda item 19, was presented for consideration.

Theresa O'Donnell, director of development services, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of development services.

A public hearing was called on zoning case Z089-143 (RB), an application for and an ordinance granting a Specific Use Permit for a recycling collection center on property zoned an IR Industrial Research District within a designated flood plain on the east line of Wire Way, north of Lombardy Lane

(The staff and city plan commission recommended approval for a two-year period, subject to a site plan and conditions)

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27577

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1661

Item 58: Zoning Case Z089-170 (MAW)

The consent zoning docket, consisting of agenda items 55 - 65 and addendum consent zoning agenda item 19, was presented for consideration.

A public hearing was called on zoning case Z089-170 (MAW), an application for and an ordinance granting the renewal of Specific Use Permit No. 1668 for a bank or savings and loan with drive-in window service on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north side of Oak Lawn Avenue, east of Maple Avenue

(The staff and city plan commission recommended approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions)

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27578

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1662

Item 59: Zoning Case Z089-174 (RB)

The consent zoning docket, consisting of agenda items 55 - 65 and addendum consent zoning agenda item 19, was presented for consideration.

A public hearing was called on zoning case Z089-174 (RB), an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south line of Elm Street, west of Malcolm X Boulevard

(The staff and city plan commission recommended approval for a two-year period, subject to a site plan and conditions)

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27579

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1663

Item 60: Zoning Case Z089-175 (WE)

The consent zoning docket, consisting of agenda items 55 - 65 and addendum consent zoning agenda item 19, was presented for consideration.

A public hearing was called on zoning case Z089-175 (WE), to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned Planned Development District No. 730 and an R-5(A) Single Family Subdistrict with Specific Use Permit No. 479 for a nursing home on a portion, an NC Neighborhood Commercial Subdistrict and a CC(E) Community Commercial (Enhanced) Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, with consideration given to amending and expanding Planned Development District No. 730 and amending Specific Use Permit No. 479 and generally bounded on both sides of Bexar Street from Brigham Street and C.F. Hawn Freeway east on Macon Street, Starks Avenue, Ghent Street, Hooper Street, and Anderson Street and west on Hooper Street, Starks Street, and Macon Street and an ordinance granting an expansion of Planned Development District No. 730 and an ordinance repealing Specific Use Permit No. 479 for a nursing home

(The staff and city plan commission recommended approval subject to a conceptual plan and approval of the repealing of Specific Use Permit No. 479 for a nursing home)

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NOS. 27580 AND 27581

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1664

Item 61: Zoning Case Z089-182 (WE)

The consent zoning docket, consisting of agenda items 55 - 65 and addendum consent zoning agenda item 19, was presented for consideration.

A public hearing was called on zoning case Z089-182 (WE), an application for and an ordinance granting a Specific Use Permit for an Adult daycare facility on property zoned an R-7.5(A) Single Family District, on the south line of Lynnacre Drive, west of Knoxville Drive

(The staff and city plan commission recommended approval for a five-year period with automatic renewals for additional five-year periods, subject to a site plan and conditions)

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27582

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1665

Item 62: Zoning Case Z089-183 (MAW)

The consent zoning docket, consisting of agenda items 55 - 65 and addendum consent zoning agenda item 19, was presented for consideration.

A public hearing was called on zoning case Z089-183 (MAW), an application for and an ordinance granting a Specific Use Permit for a handicapped group dwelling unit on property zoned an R-7.5(A) Single Family District on the north side of Kirkley Street, west of Teague Drive

(The staff and city plan commission recommended approval for a two-year period with eligibility for automatic renewal for additional five-year periods; subject to a site plan and conditions)

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27583

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1666

Item 63: Zoning Case Z089-186 (MAW)

The consent zoning docket, consisting of agenda items 55 - 65 and addendum consent zoning agenda item 19, was presented for consideration.

Theresa O'Donnell, director of development services, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of development services.

A public hearing was called on zoning case Z089-186 (MAW), an application for and an ordinance granting a Specific Use Permit for an Alcoholic Beverage Establishment limited to a bar, lounge or tavern on property zoned an IR Industrial Research District with deed restrictions on the northeast side of Maple Avenue, northwest of Inwood Road with consideration given to, and a resolution accepting, deed restrictions volunteered by the applicant

(The staff and city plan commission recommended approval for a two-year period, subject to a site plan and conditions)

Appearing in opposition to the city plan commission's recommendation:

Nancy Feaster, 10157 Casa View

Appearing in favor of the city plan commission's recommendation:

Peter Kavanagh, 1620 Handley, representing the applicant

Deputy Mayor Pro Tem Medrano moved to close the public hearing and follow the City Plan Commission's recommendation of approval subject to deed restrictions volunteered by the applicant.

Motion seconded by Councilmember Hill and unanimously adopted.

Assigned ORDINANCE NO. 27584

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1667

Item 64: Zoning Case Z089-207 (RB)

The consent zoning docket, consisting of agenda items 55 - 65 and addendum consent zoning agenda item 19, was presented for consideration.

A public hearing was called on zoning case Z089-207 (RB), an application for and an ordinance granting a Specific Use Permit for Local Utilities on property zoned an MF-1(A) Multifamily District with Specific Use Permit No. 1 for Apartment-2 Uses limited to a Community club, private school, and apartments at the northwest corner of Belt Line Road and Spring Creek Road

(The staff and city plan commission recommended approval for a permanent time period, subject to a site plan and conditions)

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27585

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1668

Item 65: Zoning Case Z089-173 (MAW)

The consent zoning docket, consisting of agenda items 55 - 65 and addendum consent zoning agenda item 19, was presented for consideration.

A public hearing was called on zoning case Z089-173 (MAW), an application for a Specific Use Permit for a pedestrian skybridge on property zoned a CA-1(A) Central Area-1 District with an SP Pedestrian Overlay located on North St. Paul Street between Federal Street and San Jacinto Street

(The staff and city plan commission recommended approval for a 40-year period, subject to a site plan and conditions)

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Approved as part of the consent zoning docket.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1669

Item 66: Zoning Case Z089-179 (CG) INDIVIDUAL

A public hearing was called on zoning case Z089-179 (CG), an application for and an ordinance granting a Neighborhood Stabilization Overlay (NSO) on property zoned an R-7.5(A) Single Family District and generally bounded by Northwest Highway on the north, DART ROW (former MK & T Railroad) and Middlebury Drive on the east and south, and the DART ROW (former Houston & Texas Railroad)

(The staff and city plan commission recommended approval)

Appearing in opposition to the city plan commission's recommendation:

Mason Coplin, 7315 Bennington Dr.
Ann Tuttle, 7038 Haverford Dr.

Mayor Leppert allowed additional citizens to state their names and addresses in opposition to the item for the record:

Barrett Blaschke, 6923 Wake Forrest Dr.
Chuck DeShazo, 7314 Bennington Dr.

Appearing in favor of the city plan commission's recommendation:

Janet Cromer, 7306 Clemson Dr.
Price Johnson, 7120 Lehigh Dr.

Mayor Leppert allowed additional citizens to state their names and addresses in favor of the item for the record:

Karla Zemler, 6924 Wake Forrest Dr.
Ronna Miller, 7119 Rutgers Dr.
Brenda Doing, 7335 Clemson Dr.
Hayward McMurray, 7137 Bucknell Dr.
Gina Cammarata, 7226 Wake Forrest Dr.
Pete Dickson, 7318 Bennington Dr.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
09-1669
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Councilmember Kadane moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Councilmember Hunt and unanimously adopted.

Assigned ORDINANCE NO. 27586

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1670

Item 67: Zoning Case Z089-150 (RB) INDIVIDUAL

Theresa O'Donnell, director of development services, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of development services.

A public hearing was called on zoning case Z089-150 (RB), an application for an amendment to the conceptual plan and conditions for the Tract II portion of Planned Development District No. 375 for Office, Retail, and Residential Uses on property generally bounded by Lemmon Avenue East, the eastern half of the abandoned portion of Howell Street, and Lemmon Avenue West

(The staff recommended approval, subject to a conceptual plan and staff's recommended conditions and city plan commission recommended Denial)

Mayor Leppert announced he had a conflict of interest and would abstain from voting or participating in any discussion. Mayor Leppert left the city council chamber.

Appearing in opposition to the city plan commission's recommendation:

Robert Reeves, 3807 Vinecrest Dr., representing the applicant

No one appeared in favor of the city plan commission's recommendation.

Councilmember Hunt moved to close the public hearing and approve the change of zoning subject to specific conditions as distributed to City Councilmembers and which are to be incorporated into the ordinance to come back on August 12, 2009.

Motion seconded by Councilmember Hill and unanimously adopted. (Leppert abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1671

Item 68: Zoning Case Z089-151 (RB) INDIVIDUAL

Theresa O'Donnell, director of development services, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of development services.

A public hearing was called on zoning case Z089-151 (RB), an application for and an ordinance granting a Planned Development Subdistrict for an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, with retention of the Dry Liquor Control Overlay, on property inclusive of the western half of the abandoned portion of Howell Street between Lemmon Avenue East and Lemmon Avenue West

(The staff recommended approval, subject to a conceptual plan and staff's recommended conditions, with retention of the Dry Liquor Control Overlay and city plan commission recommended Denial)

Mayor Leppert announced he had a conflict of interest and would abstain from voting or participating in any discussion. Mayor Leppert left the city council chamber.

Appearing in opposition to the city plan commission's recommendation:

Robert Reeves, 3807 Vinecrest Dr., representing the applicant

No one appeared in favor of the city plan commission's recommendation.

Councilmember Hunt moved to close the public hearing and approve the change of zoning subject to the specific conditions as distributed to the City Councilmembers and which are to be incorporated into ordinance to come back on August 12, 2009.

Motion seconded by Councilmember Hill and unanimously adopted. (Leppert abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1672

Item 69 Zoning Case Z089-169 (RB) INDIVIDUAL

A public hearing was called on zoning case Z089-169 (RB), an application for the creation of a new Subarea (Subarea 2A) on property within the Subarea 2 portion of Planned Development District No. 363 for Residential, Office and Retail uses on the northeast line of Merlin Street, north of Grand Avenue

(The staff recommended approval, subject to a conceptual plan and conditions and city plan commission recommended Denial)

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Councilmember Davis moved to continue the public hearing and hold under advisement until the September 9, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Jasso and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1673

Item 70: Zoning Case Z089-159 (RB) UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z089-159 (RB), an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1344 for an Open-enrollment Charter School or Private school on property zoned an MF-1(A) Multifamily District, on the northeast corner of Frankford Road and Marsh Lane

(The staff and city plan commission recommended approval for a three-year period, with eligibility for automatic renewal of additional three-year periods, subject to a site plan, landscape plan, and conditions)

Note: This item was considered by the City Council at a public hearing on June 10, 2009, and was taken under advisement until June 24, 2009, with the public hearing open.

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Councilmember Natinsky moved to continue the public hearing and hold under advisement until the August 26, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Koop and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1674

Item 71: Zoning Case Z089-142 (MW) UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z089-142 (MW), an application for and an ordinance granting a Historic District Overlay on property zoned Planned Development District No. 269 on the south corner of Hickory Street and Second Avenue

(The staff recommended approval, subject to the following conditions: (1) eliminate the no-build zone to allow the owner to relocate buildings that may be affected by highway construction, and (2) provide in the Preservation Criteria an allowance for demolition of Buildings A-2 or B without a Certificate of Demolition from the Landmark Commission and city plan commission recommended approval, subject to preservation criteria approved by the Landmark Commission)

Note: This item was considered by the City Council at a public hearing on June 10, 2009, and was taken under advisement until June 24, 2009, with the public hearing open.

No one appeared in opposition to the city plan commission's recommendation.

Appearing in favor of the city plan commission's recommendation:

Gary Kaelson, 501 2nd Ave., representing Hickory Street Annex

Deputy Mayor Pro Tem Medrano moved to continue the public hearing and hold under advisement until the October 14, 2009 voting agenda meeting of the city council.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1675

Item 72: Zoning Case Z078-248 (WE) UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z078-248 (WE), an application for and an ordinance granting the creation of a new Subdistrict within Subdistrict B in the North Zone within Planned Development District No. 521 for mixed uses and an ordinance granting a Specific Use Permit for gas drilling and a resolution accepting deed restrictions volunteered by the applicant, east of Mountain Creek Parkway, north of Interstate 20 (Lyndon B. Johnson Freeway)

(The staff recommended approval, of a new Subdistrict within Subdistrict B, subject to a conceptual plan and conditions and approval of a Specific Use Permit for gas drilling for a ten-year period with eligibility for automatic renewal of additional ten-year periods, subject to an existing/original condition plan, a site/operation plan for drilling, a site/operation plan for production and conditions subject to deed restriction volunteered by the applicant and city plan commission recommended approval, of a new Subdistrict within Subdistrict B, subject to a conceptual plan and conditions and approval of a Specific Use Permit for gas drilling for a twenty-year period with eligibility for automatic renewal of additional ten-year periods, subject to an existing/original condition plan, a site/operation plan for drilling, a site/operation plan for production and conditions subject to deed restriction volunteered by the applicant)

Note: This item was considered by the City Council at public hearings on May 13 and June 10, 2009, and was taken under advisement until June 24, 2009, with the public hearing open.

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Councilmember Neumann moved to continue the public hearing and hold under advisement until the August 26, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1676

Item 73: Zoning Case Z078-313 (WE) UNDER ADVISEMENT – INDIVIDUAL

A public hearing was called on zoning case Z078-313 (WE), an application for and an ordinance granting a Specific Use Permit for gas drilling within Subdistrict B in the North Zone within Planned Development District No. 521 for mixed uses and a resolution accepting deed restrictions volunteered by the applicant, east of Mountain Creek Parkway, north of Interstate 20 (Lyndon B. Johnson Freeway)

(The staff recommended Approval, for a ten-year period with eligibility for automatic renewal of additional ten-year periods, subject to an existing/original condition plan, a site/operation plan for drilling, a site/operation plan for production, and conditions and deed restrictions volunteered by the applicant and city plan commission recommended Approval, for a twenty-year period with eligibility for automatic renewal of additional ten-year periods, subject to an existing/original condition plan, a site/operation plan for drilling, a site/operation plan for production, and conditions and deed restrictions volunteered by the applicant)

Note: This item was considered by the City Council at public hearings on May 13 and June 10, 2009, and was taken under advisement until June 24, 2009, with the public hearing open.

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Councilmember Neumann moved to continue the public hearing and hold under advisement until the August 26, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1677

Item 74: A public hearing to receive comments regarding consideration of amendments to the Downtown Special Provision Sign District to renew and amend the 'Supergraphic' provisions, including consideration of amendments allowing additional supergraphic signs, expanding the types of walls they can be placed on and reducing minimum size requirements and an ordinance granting the amendments

(The staff and city plan commission recommended approval)

Appearing in opposition to the city plan commission's recommendation:

Ann Murphy, 19126 Windmill Lane, representing North Dallas Neighborhood Alliance

No one appeared in favor of the city plan commission's recommendation.

Councilmember Natinsky moved to close the public hearing and approve the ordinance subject to the following revisions as recommended by the Economic Development Committee:

- Increasing the amount of text allowed to 20 percent.
- Removing the requirement that no more than 50 percent of the sign could be text, logo, or product combined.
- Lowering the coverage requirement to 60 percent for central business district wallscape signs.
- Adding a maximum height of 450 feet for central business district wallscape signs and civic center wallscape signs.
- Adding residential uses to the occupancy requirement.
- Adding an administrative lottery option to the first-come first-served permit distribution system.
- And establishing an effective date of July 31, 2009.

In addition, approve the item subject to these conditions and adopt a fee schedule of \$5,000 for the location permit fee and a fee of .10 cents per square foot for the initial copy and subsequent copy changes and pass the ordinance.

Motion seconded by Councilmember Koop and unanimously adopted.

Assigned ORDINANCE NO. 27587

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1678

Item 75: A public hearing to receive comments regarding the application for and approval of a fill permit and removal of the floodplain (FP) prefix from 0.405 acres of a 2.036 acres tract of land, located at 3000 Pegasus Park Drive and adjacent to IH-35E service road, currently in the floodplain of Record Crossing Sump, Fill Permit 08-02 - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Deputy Mayor Pro Tem Medrano moved to close the public hearing.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1679

Item 76: A public hearing to receive comments concerning the creation of the Oak Lawn-Hi Line Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Oak Lawn-Hi Line Public Improvement District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District, and at the close of the hearing, authorize **(1)** approval of a resolution creating the Oak Lawn-Hi Line Public Improvement District for a period of seven years, **(2)** approval of the Service Plan for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District; and **(3)** a management contract with the Oak Lawn-Hi Line Improvement Corporation, a non-profit corporation as the management entity for the Oak Lawn-Hi Line Public Improvement District - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

David Gilbert, 1718 Hi Line Dr.
Frank Stich, 4224 N. Hall St.
Myron Dornic, 5026 Maple Springs Blvd.
Michael Ablon, 5811 Lindenshire Lane

Deputy Mayor Pro Tem Medrano moved to close the public hearing and approve the item.

Motion seconded by Councilmember Koop and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1680

Community Development Block Grant
Section 108 Guarantee Loan Program

Note: Item Nos. 77 and 78
must be considered collectively.

Item 77: A public hearing to receive comments on the proposed City of Dallas submission of an application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant (CDBG) Section 108 Guarantee Loan Program loan in the amount of \$15,254,000 to fund a loan to 5630 SMU Boulevard LP for the land acquisition, site work and Section 108 Interest Reserve Funds for the development of the Shamburger Development mixed-use project including 9,100 square feet of bottom floor retail space and 417 apartment homes above at the southwest corner of SMU (formerly Yale) Boulevard and Greenville Avenue with 104 apartment units deed restricted for 15 years for affordability to families with incomes at 80% or less of Area Median Family Income as established by HUD - Financing: No cost consideration to the City of Dallas

Item 78: Authorize submission of an application to HUD for a CDBG Section 108 Guarantee Loan Program loan to 5630 SMU Boulevard LP in an amount not to exceed \$15,254,000 - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Frank Ward III, P. O. Box 50694
Jewel Floyd, 3815 Myrtle
William Hopkins, 2011 Leath St.
Gwain Wooten, 1000 Grigbsy Ave.
Yolanda Williams, no address provided
Ozumba Lnuk-X, 4106 Vineyard

Councilmember Hunt moved to approve the resolution.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1681

Community Development Block Grant
Section 108 Guarantee Loan Program

Note: Item Nos. 79 and 80
must be considered collectively.

Item 79: A public hearing to receive comments on the proposed City of Dallas submission of an application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant (CDBG) Section 108 Guarantee Loan Program loan in the amount of \$5,100,000 to fund a loan to Courtyards at La Reunion, LLC for the acquisition and rehabilitation of 64 apartment units at 2201 Fort Worth Avenue with 64 apartment units deed restricted for 15 years for affordability to families with incomes at 80% or less of Area Median Family Income as established by HUD - Financing: No cost consideration to the City of Dallas

Item 80: Authorize submission of an application to HUD for a CDBG Section 108 Guarantee Loan Program loan to Courtyards at La Reunion, LLC in an amount not to exceed \$5,100,000 - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Neumann moved to close the public hearing and approve the item.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1682

Community Development Block Grant
Section 108 Guarantee Loan Program

Note: Item Nos. 81 and 82
must be considered collectively.

Item 81: A public hearing to receive comments on the proposed City of Dallas submission of an application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant (CDBG) Section 108 Guarantee Loan Program loan in the amount of \$9,000,000 to fund a loan to Hamilton Atmos LP for the conversion of 4 vacant commercial buildings, street addresses: 1900 Jackson Street, 301 South Harwood Street, 1915 Wood Street, and 1815 Wood Street into a mixed-use project including 10,000 square feet of bottom floor retail space and 232 apartment homes above, with 46 apartment units deed restricted for 15 years for affordability to families with incomes at 80% or less of Area Median Family Income as established by HUD - Financing: No cost consideration to the City of Dallas

Item 82: Authorize submission of an application to HUD for a CDBG Section 108 Guarantee Loan Program loan to Hamilton Atmos LP in an amount not to exceed \$9,000,000 - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Frank Ward III, P. O. Box 50694
Jewel Floyd, 3815 Myrtle
Ozumba Lnuk-X, 4106 Vineyard
Gwain Wooten, 1000 Grigsby Ave.
William Hopkins, 2011 Leath St

Councilmember Hunt moved to close the public hearing and approve the item.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

CLOSED SESSION [09-1683]

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Legal issues involving officers of the city seeking public office.

At 11:05 a.m., Mayor Leppert announced the closed session of the city council authorized by Chapter 551, "OPEN MEETING," of the (Texas Open Meetings Act) to discuss the following matters:

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Legal issues involving officers of the city seeking public office.

Mayor Leppert reconvened the city council meeting after the closed session at 1:00 p.m. No other matters were discussed during the closed session

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1684

Addendum addition 1: Authorize an application for and acceptance of a grant from the Federal Aviation Administration for the federal share of the eligible capital improvement projects at Dallas Love Field - Not to exceed \$9,180,471 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

Councilmember Natinsky requested that addendum addition consent agenda item 1 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 1 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

Later in the meeting, addendum addition consent agenda item 1 was brought up for consideration.

Councilmember Natinsky moved to approve the item subject to an increase in the dollar amount of the grant that may be applied for and accepted from the FAA – up to \$11,640,490.

Motion seconded by Councilmember Koop and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1685

Addendum addition 2: Authorize a forty-eight-month service contract, with two twelve-month renewal options, to provide voluntary benefits to employees and qualified retirees - Colonial Life & Accident Insurance Company, most advantageous proposer of eight - Financing: No cost consideration to the City (to be funded by employee and retiree premiums through payroll deductions)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1686

Addendum addition 3: An ordinance granting a revocable license to Edward P. Cervantes d/b/a Primo's Bar & Grille for the use of approximately 394 square feet of land to install and maintain a sidewalk café, enclosed patio and overhead awning on a portion of McKinney Avenue right-of-way located near its intersection with North Hall Street - Revenue: \$3,015 one-time fee through 2009 and \$2,015 annually thereafter, plus the \$20 ordinance publication fee

Councilmember Hunt requested that addendum addition consent agenda item 3 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 3 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

Later in the meeting, addendum addition consent agenda item 3 was brought up for consideration.

Councilmember Hunt moved to approve the item with the following changes:

- On Section 5 of the ordinance to remove reference to an "enclosed" patio.

Motion seconded by Deputy Mayor Pro Tem Medrano and unanimously adopted.

Assigned ORDINANCE NO. 27588

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1687

Addendum addition 4: An ordinance granting a Planned Development District for CS Commercial Service District Uses subject to a detached premise sign development plan and conditions on property zoned a CS Commercial Service District on the northeast corner of IH 30 and Cockrell Hill Road - Z089-147 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27589

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1688

Addendum addition 5: An ordinance granting the renewal of Specific Use Permit No. 1609 for potentially incompatible industrial uses with outside storage for a two year time period with eligibility for automatic renewal of one additional one year time period subject to a site plan and conditions on property zoned an IM Industrial Manufacturing District, located on the west side of Spangler Road, between Ryan Road and Walnut Hill Lane - Z078-312 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27590

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1689

Addendum addition 6: Authorize a management contract for management of the EB-5 Program City of Dallas Regional Center - Civitas Capital Management, LLC, most advantageous proposer of three - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1690

Addendum addition 7: Authorize the establishment of the Main Street District FOCUS Retail Program to provide property owners and retailers with Chapter 380 grants and/or loans for activities generating complimentary retail surrounding Neiman Marcus, the District's retail anchor, using Downtown Connection TIF District funds dedicated for retail initiatives - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1691

Addendum addition 8: Authorize a professional services contract with Quimby McCoy Preservation Architecture, LLP for architectural, engineering and construction administration services for roof replacement, and heating, ventilation, and air conditioning replacement at the Majestic Theatre located at 1925 Elm Street - Not to exceed \$150,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1692

Addendum addition 9: Authorize a loan in the amount of \$1,000,000 at 0% interest to Orleans at La Reunion LLC for the demolition of property located at 2300 Fort Worth Avenue for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment in accordance with the Economic Development Master Plan - Not to exceed \$1,000,000 - Financing: 2006 Bond Funds

Councilmember Neumann and Councilmember Margolin requested that addendum addition consent agenda item 9 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 9 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann and Councilmember Margolin's request.

Later in the meeting, addendum addition consent agenda item 9 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Kadane, Allen absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1693

Addendum addition 10: Authorize **(1)** Supplemental Agreement No. 2 to the professional services contract with Finish Well Companies dba Global Bridgebuilders, formerly Diversity Management Strategies, LLC, for the continuing assessment and development of a training program to enhance workforce diversity and employee productivity within the remaining civilian departments not already trained; and **(2)** perform assessments and develop training programs to enhance workforce diversity and employee productivity in additional departments - Not to exceed \$296,560, from \$318,800 to \$615,360 - Financing: Current Funds (subject to appropriations)

Councilmember Atkins and Councilmember Margolin requested that addendum addition consent agenda item 10 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 10 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins and Councilmember Margolin's request.

Later in the meeting, addendum addition consent agenda item 10 was brought up for consideration.

Councilmember Atkins moved to approve the item.

Motion seconded by Councilmember Hill and unanimously adopted. (Allen absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1694

Addendum addition 11: Authorize a contract with the Dallas County Workforce Development Board, Inc., d/b/a Workforce Solutions of Greater Dallas, (Board) for acceptance of American Recovery and Reinvestment Act of 2009 funds to provide a summer employment and training program for 500 low-income youth and associated services for the period June 25, 2009 through August 21, 2009 - Not exceed \$1,067,243 - Financing: Workforce Solutions of Greater Dallas Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1695

Addendum addition 12: Authorize **(1)** an application for and acceptance of the FY2009 Edward Byrne Memorial Justice Assistance Grant in the amount of \$2,193,395 from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period October 1, 2008 through September 30, 2012; **(2)** execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County, and eligible units of local government; and **(3)** execution of the grant agreement - Not to exceed \$2,193,395 - Financing: U.S. Department of Justice, Bureau of Justice Assistance Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1696

Addendum addition 13: Authorize a professional services contract with Hellmuth, Obata + Kassabaum, L.P. to provide programming, schematic design, design development, preparation of construction bid documents, bid evaluation and construction administration for the new White Rock Hills Branch Library located at Ferguson Road and Hibiscus Drive - Not to exceed \$472,715 - Financing: 2006 Bond Funds

Councilmember Margolin requested that addendum addition consent agenda item 13 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 13 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Later in the meeting, addendum addition consent agenda item 13 was brought up for consideration.

Councilmember Davis moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Allen absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1697

Addendum addition 14: Authorize an increase in the contract with Turner Construction Company for soil remediation for the Annette Strauss Artist Square project - Not to exceed \$576,235, from \$4,714,142 to \$5,290,377 - Financing: 2003 Bond Funds

Mayor Leppert requested that addendum addition consent agenda item 14 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 14 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Leppert's request.

Later in the meeting, addendum addition consent agenda item 14 was brought up for consideration.

Mayor Leppert announced he had a conflict of interest and would abstain from voting or participating in any discussion. Mayor Leppert left the city council chamber.

Councilmember Hunt moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Leppert abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1698

Addendum addition 15: An ordinance adding Chapter 48C to the Dallas City Code to: **(1)** provide procedures, qualifications, requirements, and fees for vehicle immobilization service licenses and vehicle immobilization operator's permits; **(2)** provide for denial, suspension, revocation, and non-renewal of vehicle immobilization service licenses and vehicle immobilization operator's permits and provide for appeals; **(3)** provide service, equipment, insurance, record keeping, signage, and notification requirements and standards; **(4)** restrict financial interests between vehicle immobilization services and parking lot owners; **(5)** require either a receipt in exchange for payment of a parking fee or use of a video audit system prior to vehicle immobilization; **(6)** establish apparel requirements for parking lot attendants and vehicle immobilization operators; and **(7)** set the maximum fee that may be charged for vehicle immobilization service - Financing: No cost consideration to the City

The City Secretary requested that addendum addition consent agenda item 15 be considered as an individual item to allow citizens to speak. Mayor Leppert stated that addendum addition consent agenda item 15 would be considered as an individual item later in the meeting there being no objection voiced to the City Secretary's request.

Deputy Mayor Pro Tem Medrano and Councilmember Hunt requested that addendum addition consent agenda item 15 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 15 would be considered as an individual item later in the meeting, there being no objection voiced Deputy Mayor Pro Tem Medrano and Councilmember Hunt's request.

Later in the meeting, addendum addition consent agenda item 15 was brought up for consideration.

The following individual addressed the city council regarding the item:

John Connolly, 101 S. Walton St.

Councilmember Medrano moved to refer the item back to the Transportation and Environment Council Committee.

Motion seconded by Councilmember Koop and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1699

Addendum addition 16: Authorize Supplemental Agreement No. 3 to the contract with Hellmuth, Obata & Kassabaum, LP (HOK), for additional services required by the U. S. Army Corps of Engineers for hydraulic analysis of the proposed recreational bridge crossings of the river and tributaries, rerouting ½ mile of trail, plan review and specification development, additional archeological investigation, and the elimination of the existing scope of services for environmental investigation that will not be required for Trinity Forest Trail, Phase 3 - Not to exceed \$50,508, from \$2,156,721 to \$2,207,229 - Financing: 1998 Bond Funds

Councilmember Margolin requested that addendum addition consent agenda item 16 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 16 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Later in the meeting, addendum addition consent agenda item 16 was brought up for consideration.

Councilmember Hill moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Neumann absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1700

Addendum addition 17: Ratify the emergency spill clean-up and site mitigation of a liquid ferric sulfate leak at the Bachman Water Treatment Plant
- Protect Environmental Services, Inc. - Not to exceed \$34,275
- Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1701

Addendum addition 18: Authorize ordinances granting ~~eight~~ seven franchises for solid waste collection and hauling, pursuant to Chapter XIV, of the City Charter, and Chapter 18, Article IV, of the Dallas City Code (list attached) - Estimated Annual Revenue: ~~\$6,000~~ \$5,000

Mayor Pro Tem Caraway moved to pass the ordinances.

Motion seconded by Councilmember Atkins and unanimously adopted.

Assigned ORDINANCE NOS. 27591, 27592, 27593, 27594, 27595, 27596 AND 27597

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1702

Addendum addition 19: Zoning Case Z089-220 (WE)

The consent zoning docket, consisting of agenda items 55 - 65 and addendum consent zoning agenda item 19, was presented for consideration.

A public hearing was called on zoning case Z089-220 (WE), an application for and an ordinance granting an MF-3(A) Multifamily District on property zoned an IR Industrial Research District and Specific Use Permit No. 98 for quarry and an ordinance repealing a portion of Specific Use Permit No. 98 on the east side of Pinnacle Park Boulevard, north of Fort Worth Avenue

(The staff and city plan commission recommended Approval, and approval of repealing a portion of specific use permit)

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27598 AND 27599

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1703

Addendum addition 20: Zoning Case Z089-168 (WE) INDIVIDUAL

A public hearing was called on zoning case Z089-168 (WE), an application for and an ordinance granting the creation of a new Subdistrict for retirement housing and TH-3 Townhouse District uses within Planned Development District No. 625, on the south line of Crouch Road, west of Lancaster Road

(The staff recommended denial and city plan commission recommended approval subject to a conceptual plan and conditions)

Appearing in opposition to the city plan commission's recommendation:

Gail Terrell, 1445 Firebird Dr.

Appearing in favor of the city plan commission's recommendation:

Karl Crawley, 900 Jackson St.
Jewel Floyd, 3815 Myrtle St.

Councilmember Atkins moved to close the public hearing and follow the City Plan Commission's recommendation of approval subject the following revisions:

1. At least 30 days prior to submitting a development plan, the following entities must be notified of the application: Runyon Springs Neighborhood Association and Hidden Valley Neighborhood Association. The address for the entities is the most current on file with the Development Services Department. A neighborhood meeting with both associations is required before submittal of the development plan.
2. The maximum front yard on Crouch Road is 50 feet.

Motion seconded by Councilmember Salazar and unanimously adopted. (Davis absent when vote taken)

Assigned ORDINANCE NO. 27600

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 24, 2009

09-1704

Addendum addition 21: Zoning Case Z089-197 (WE)

A public hearing was called on zoning case Z089-197 (WE), an application for and an ordinance granting the creation of a new Subarea within Planned Development District No. 27 for Office uses on both sides of Insurance Lane between Knox Street and Hester Avenue

(The staff recommended Denial and city plan commission recommended approval subject to a development plan and conditions)

No one appeared in opposition to or in favor of the city plan commission's recommendation.

Councilmember Hunt moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Councilmember Hill and unanimously adopted.

Assigned ORDINANCE NO. 27601

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 24, 2009

EXHIBIT C

“CORRECTION”

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 24, 2009

09-1600
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Caraway, Medrano, Jasso, Neumann, Hill, Salazar (*9:07 a.m.), Davis, Atkins, Kadane, Allen, Koop, Natinsky, Margolin, Hunt (*9:05 a.m.)

ABSENT: [0]

The meeting was called to order at 9:00 a.m.

The City Secretary announced that a quorum of the city council was present.

The invocation was given by Jerry Norris, Minister of the 4th Avenue Church of Christ.

Councilmember Hill led the pledge of allegiance.

The meeting agenda, which was posted in accordance with Chapter 551, "OPEN MEETINGS," of the Texas Government Code, was presented.

After all business properly brought before the city council had been considered, the city council adjourned at 3:55 p.m.

Mayor

ATTEST:

City Secretary

The meeting agenda is attached to the minutes of this meeting as EXHIBIT A.

The actions taken on each matter considered by the city council are attached to the minutes of this meeting as EXHIBIT B.

Ordinances, resolutions, reports and other records pertaining to matters considered by the city council, are filed with the city secretary as official public records and comprise EXHIBIT C to the minutes of this meeting.